

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

5 February 2022 / 5 février 2022

Submitted by: Chief of Police, Ottawa Police Service

Contact Person / Personne ressource:

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SUBJECT: APPOINTMENT OF SPECIAL CONSTABLES: RCMP

OBJET: NOMINATION D'AGENT SPÉCIALE: RCMP

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board approve the appointment of 63 RCMP employees as the need arises through this event, pursuant to Section 53 of the Police Services Act, in accordance with the terms and conditions set forth in the attached Approval of Appointment Letter.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa approuve la nomination de 63 employés de la GRC au besoin lors de cette situation, en vertu de l'article 53 de la Loi sur les services policiers, conformément aux modalités présentées au sein de la Lettre d'approbation de la nomination, ci-jointe.

BACKGROUND

The Ottawa Police Service (OPS) is requesting the support of additional special constables from the Royal Canadian Mounted Police (RCMP) to respond to unlawful and ongoing public demonstrations, which began on January 28, 2022.

Some RCMP officers that are currently being deployed as part of police response do not have special constable status with the OPS and this request is to ensure compliance.

We have received 63 Approval of Appointments currently, and there could be more than 150 additional to follow; Approval of Appointment Forms will follow. Additionally, we are asking that the Ottawa Police Services Board (Board) refrain from posting the names of the RCMP members included.

The Board approves the appointment of Special Constables for the RCMP, OC Transpo, Carleton University and for internal employees of the Ottawa Police Service (OPS).

In the city of Ottawa, the RCMP Protected Operations member's primary responsibility is the safeguarding of designated Protected Persons (PP). Members on mobile patrol have a role in deterring and detecting potential terrorist activities and/or incidents impacting on PP. Members are responsible for having knowledge of all zones and protected locations, which many are located within the city of Ottawa and are responsible for answering security alarms and proactively gathering information for risk and threat assessment purposes relative to those locations.

The RCMP Protected Operations and the OPS also enforce moving violations/traffic violations on specific NCC roadways and bridges as per current MOU (Memorandum of Understanding). Members on mobile patrol also have a role in deterring and detecting criminal and provincial offences other than highway traffic infractions by using different techniques such as car patrol, bicycle patrol, foot patrol and vehicle checks.

During their regular patrol duties related to the above-mentioned responsibilities, members travel from one location to another and observe violations to the Highway Traffic Act, Liquor License Act, Mental Health Act and the Trespass to Property Act in which they have a duty to take action.

Further, the RCMP Protected Operations members also work with the OPS on all major visits, special events, and demonstrations taking place on federal, provincial and municipal property. These occurrences generally start on City property and end up on federal property and in the process of policing these events; the RCMP would assist the OPS with enforcement of the above-mentioned Acts.

An agreement between the OPS and the RCMP was established in 2016 with no expiry date. An RCMP indemnification letter was provided to the Board on January 25, 2016 by Chief Superintendent Bruce Kirkpatrick to address concerns raised by the Board respecting potential liability. The following is an excerpt from this letter:

"In the absence of a formal agreement between the RCMP and the Board, and in an effort to address the aforementioned concerns, I wish to assure you that the RCMP will, at its own cost, indemnify the Board from any claims, demands, actions and judgements instituted or recovered by a third party, arising from any act, conduct or omission of members of the RCMP appointed as special constables under subsection 53(1) of the Police Services Act (PSA) by the Board while carrying out their duties. To this end, the RCMP requires that the Board

provide it with notice, in writing to the undersigned or the individual occupying that position without delay, or in exigent circumstances, as soon as reasonably possible of any claims, demands, causes of action or actions arising from any act, conduct or omission of members of the RCMP appointed as specials constables under subsection 53(1) of the PSA by the Board while carrying out their duties.”

For the purposes of this agreement, the Board has authority, pursuant to the PSA, to appoint Special Constables for such purposes and with such powers as it sees fit, subject to the approval of the Ministry of the Solicitor General.

The Board shall designate the Chief of Police or his/her designate to perform some or all of the Board’s administrative functions under these agreements. The Chief shall designate one officer as his/her designate with respect to the day-to-day administration of this agreement.

For the purpose of the administration of this agreement, the Chief Superintendent of the RCMP will be responsible for some or all of the administrative functions under each respective agreement. These leaders shall designate an employee for the day-to-day administration requirements.

To ensure that this employee can carry out their assigned duties, applications are made to the Ministry of the Solicitor General to have them appointed as Special Constable pursuant to Section 53 of the PSA. The Board appoints the RCMP employees as Special Constables upon approval by the Ministry. The appointments are valid for five years.

DISCUSSION

Approval has been obtained from the Ministry of the Solicitor General for the appointment of this RCMP employees as Special Constable pursuant to Section 53 of the PSA.

SUPPORTING DOCUMENTATION

Document 1: Approval of Appointment as Special Constable

CONCLUSION

The appointment of Special Constable status for this RCMP employee will allow them to undertake the full scope of their duties.